

REMARKS

Claims 1 to 15 are pending in the application, of which claims 1, 10, and 14 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claims 1 to 3, 7, 10, and 13 to 15 were rejected under 35 U.S.C. §102(b) over Linstromberg (U.S. Patent No. 4,087,140); claims 4 to 6, 11, and 12 were rejected under 35 U.S.C. §103 over Linstromberg in view of Lewis. (U.S. Patent 4,460,344) and Takasaki (U.S. Patent 4,704,882); claim 8 was rejected under 35 U.S.C. §103 over Linstromberg in view of Johnson (U.S. Patent 4,132,440); and claim 9 was rejected under 35 U.S.C §103 over Linstromberg in view of Takasaki. As shown above, Applicant has amended the claims to define the invention with greater clarity. In view of these clarifications, reconsideration and withdrawal of the art rejections are respectfully requested.

Each of the amended independent claims recites inner door in an opening of an outer frame, where the inner door in one of a locked configuration in which the inner door is in the opening but not removable from the outer frame, and an unlocked configuration in which the inner door is in the opening but the inner door is disengaged from the outer frame allowing the inner door to be fully removed from the outer frame. The applied art is not understood to disclose or to suggest the foregoing features of the independent claims.

More specifically, Linstromberg describes a refrigerator cabinet having a main door 21 and a secondary door 24 (see Figs. 1 and 2 of Linstromberg). Secondary door 24 is "hingedly mounted" to opening 23 in main door 21. Thus, secondary door 24 can be tilted from main door 21, as shown in Fig. 2, allowing access to a receptacle 13, which itself is connected to secondary door 24 via interconnecting means 27. At no point in its operation is secondary door 24 in a

locked configuration in which it is in opening 23 but not removable from main door 21, or in an unlocked configuration in which it is in opening 23 but is disengaged from main door 21 allowing secondary door 24 to be fully removed from main door 21. Thus, Applicant submits that Linstromberg does not anticipate, or render obvious, claims 1, 10 and 14.

It was said on page 5 of the Office Action that the secondary door 24 can be removed from opening 23 "with tools disengaging the hinge". Although the Office Action is not entirely clear on this point, it appears to be saying that disengaging hinge 26 enables secondary door 24 to be fully removed as in the claims and, as such, Linstromberg anticipates claim 24. Applicants disagree with this assertion. That is, while it may be true that secondary door 24 can physically be removed from main door 21 by taking cabinet 10 apart, it is clear from the teaching of Linstromberg that this is not part of the operation of secondary door 24. In fact, removing secondary door 24 fully from opening 23 would adversely affect the operation of cabinet 10 in that it would prevent controlled forward motion of receptacle 13. Thus, Applicant submits that a rejection under §102, whether it is based on inherency or not, is inappropriate here.

It appears, from the comments in the Office Action, that the Examiner is attempting to make a modification of the reference (which would make the rejection more appropriately a §103 rejection). In this regard, Applicants direct the Examiner's attention to MPEP §2143.01, which states that "[i]f [sic, *the*] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification". Since modifying Linstromberg as suggested would make the Linstromberg cabinet inoperable vis-à-vis receptacle 13, Applicant submits that the proposed modification to the Linstromberg cabinet would make it unsatisfactory for its intended purpose.

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As such, Applicant submits that there is no motivation to make the suggested modification to the Linstromberg reference. Therefore, a rejection, even under §103, is improper.

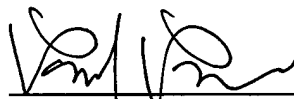
For at least the foregoing reasons, Applicant submits that claims 1, 10 and 14, and the claims that depend therefrom, are allowable over the applied art.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

No fees are believed to be due for this amendment, however, if any fees are due, please charge them to deposit account 06-1050, referencing Attorney Docket No. 10559-593001.

Respectfully submitted,

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